

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**PATRICK LECLAIRE**

**Plaintiff,**

**VS.**

**BUDDY STORBECK'S DIESEL  
SERVICE, INC. d/b/a UD TRUCKS  
OF SAN ANTONIO,**

## Defendant

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**CIVIL ACTION NO. SA11CA0619 XR**

## JURY DEMANDED

## Plaintiff Motion for Leave to Extend Time to File Joint Scheduling Order

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES PATRICK LECLAIRE, Plaintiff in the above-styled and numbered cause,  
and files this Motion for Leave to Extend Time to File Joint Scheduling Order. In support of this  
Reply, Plaintiff respectfully shows the Court the following:

1. Counsel for Plaintiff is currently in trial in Bexar County District Court in the case, *David Martinez v. Christus Santa Rosa Health Care Corporation d/b/a Christus Santa Rosa Health Care*, Case No. 2009-CI-04851, in the 166<sup>th</sup> Judicial District Court, Bexar County, Texas. Trial on the merits in this case on Monday, October 17, 2011. The trial is expected to continue through the week.
2. Counsel for Plaintiff and Defendant have been able to reach some general agreements and Counsel for Defendants prepared a draft of a proposed schedule Order for Plaintiff's counsel to review. Plaintiff's Counsel sent an email indicated that his assistant would communicate with Defendants Counsel regarding the proposed Order. However, due to the burden of trial preparation Plaintiff's counsel was unable to make all of the changes or suggestions that he wanted to incorporate into the Order.

Plaintiff's Counsel does not anticipate any difficulties in finally reaching an agreement.

3. Plaintiff's Counsel did not intentionally disregard Counsel for Defendant's, He simply ran out of time. Additionally, the Judge in the State court case requires the attorney's to be in the courtroom at 7:30 am to discuss any matter's of law outside of the presence of the jury. Accordingly, Plaintiff's counsel is unavailable during working hours to communicate with Defendant's counsel regarding the scheduling order.
4. Plaintiff Counsel requests that this Court extend the time to submit a joint scheduling Order Until Wednesday October 26, 2011.
5. The purpose of the Motion is not for delay, but so that justice may be done.

Respectfully submitted,

By: /s/ Glenn D. Levy  
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**ATTORNEYS FOR PLAINTIFFS**

## CERTIFICATE OF CONFERENCE

Counsel for Plaintiff conferred with [redacted] was unable to confer with [redacted] counsel for Defendant about the filing of this Motion due to the fact that Plaintiff's Counsel has been unavailable during working hours. Accordingly, this matter is presented to the Court for determination.

By: /s/  
Glenn D. Levy

## CERTIFICATE OF SERVICE

I hereby certify that on the 18<sup>th</sup> day of October, 2011 a true and correct copy of the foregoing was served on the attorney of record listed in the ECF records via the Court ECF system.

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/s/  
Glenn D. Levy